

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

YASMIN MACK,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
	:	NO. 09 - 5370
BEAR STEARNS RESIDENTIAL	:	
MORTGAGE CORPORATION,	:	
FORECLOSURE SOLUTION	:	
SPECIALISTS, INC., LCMACK, LLC,	:	
LISA WRIGHT, REBECCA GREEN,	:	
SAMUEL PRICE, DAVID MARKS, 1st	:	
CONTINENTAL MORTGAGE, U.S.	:	
BANK N.A., EMC MORTGAGE CORP.,	:	
REGINA J. BROWN, JOHN DOES 1-10.	:	
Defendants.		

O R D E R

AND NOW, this 30th day of November, 2010, upon consideration of Motion to Dismiss Plaintiff's First Amended Complaint for Failure to State a Claim Pursuant to Fed. R.C.P. (12)(b)(6) (Document No. 25, filed August 17, 2010 by Bear Stearns Residential Mortgage Corporation, U.S. Bank N.A., as Trustee and EMC Mortgage Corporation (collectively, "the EMC Defendants")), Plaintiffs' (sic) Response to EMC Defendants' Motion to Dismiss Plaintiff's First Amended Complaint (Document No. 32, filed August 26, 2010), Reply of Bear Stearns Residential Mortgage Corp., U.S. Bank N.A. and EMC Mortgage Corp. to Plaintiff's Response in Opposition to Motion to Dismiss First Amended Complaint for Failure to State a Claim Under Fed.R.Civ.P. 12(b)(6) (Document No. 39, filed September 9, 2010), Plaintiff's Sur-Reply to EMC Defendants' Reply to Response to Motion to Dismiss (Document No. 42, filed

September 13, 2010), Motion to Strike Plaintiff's "Sur-Reply" Pursuant to Local Rule 7.1(c) of the Eastern District of Pennsylvania (Document No. 46, filed September 29, 2010 by the EMC Defendants), Plaintiff's Response to EMC Defendants' Motion to Strike Plaintiff's Sur-Reply and Plaintiff's Cross-Motion Nunc Pro Tunc for Leave to File Sur-Reply to EMC Defendants' Motion to Dismiss Plaintiff's First Amended Complaint (Document No. 47, filed October 2, 2010), Defendant, Regina J. Brown's, Motion to Dismiss for Lack of Subject Matter Jurisdiction (Document No. 28, filed August 23, 2010), Plaintiffs' (sic) Response to Defendant Regina Brown's Motion to Dismiss Plaintiff's First Amended Complaint (Document No. 35, filed August 30, 2010), Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted (Document No. 43, filed September 13, 2010 by Samuel Price), Plaintiff's Motion to Strike Defendant Samuel A. Price's Motion to Dismiss (Document No. 44, filed September 13, 2010), and Plaintiff's Response to Defendant Samuel A. Price's Motion to Dismiss (Document No. 48, filed October 12, 2010), for the reasons set forth in the Memorandum dated November 30th, 2010, **IT IS ORDERED** as follows:

1. Motion to Dismiss Plaintiff's First Amended Complaint for Failure to State a Claim Pursuant to Fed. R.C.P. (12)(b)(6) (Document No. 25, filed August 17, 2010 by the EMC Defendants) is **GRANTED** with respect to plaintiff's claim against the EMC Defendants for violating the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 Pa. Cons. Stat. § 201-1 et seq., and that claim is **DISMISSED**. The motion is **DENIED** in all other respects;

2. Motion to Strike Plaintiff's "Sur-Reply" Pursuant to Local Rule 7.1(c) of the Eastern District of Pennsylvania (Document No. 46, filed September 29, 2010 by the EMC Defendants) is **DENIED**;

3. Plaintiff's Cross-Motion Nunc Pro Tunc for Leave to File Sur-Reply to EMC

Defendants' Motion to Dismiss Plaintiff's First Amended Complaint (Document No. 47, filed October 2, 2010) is **GRANTED**;

4. Defendant, Regina J. Brown's, Motion to Dismiss for Lack of Subject Matter Jurisdiction (Document No. 28, filed August 23, 2010) is **DENIED**;

5. Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted (Document No. 43, filed September 13, 2010 by Samuel Price) is **DENIED**;

6. Plaintiff's Motion to Strike Defendant Samuel A. Price's Motion to Dismiss (Document No. 44, filed September 13, 2010) is **DENIED AS MOOT**.

BY THE COURT:

/s/ Hon. Jan E. DuBois
JAN E. DUBOIS, J.